

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **TRANSPORTATION ELEMENT** (TO ESTABLISH A CONSTRAINED ROADWAY AT LOWER LEVEL OF SERVICE FOR SEGMENTS OF **PROSPERITY FARMS ROAD** NORTH OF PGA BOULEVARD); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 2, 9, 23 and March 9, 2001 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on March 26 and April 10, 2001 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on July 1, 2001 the Department of Community Affairs "Objections, Recommendations, and

Comments Report," dated June 29, 2001 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, on August 27, 2001 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments as modified satisfy the concerns addressed in the Department of Community Affairs' "Objections, Recommendations and Comments Report" and comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the text of the following Element of the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibit 1:

A. Transportation Element, to establish a constrained roadway at lower level of service for segments of Prosperity Farms Road north of PGA Boulevard; and

B. Amending all elements as necessary for internal consistency.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a

1 part of the 1989 Palm Beach County Comprehensive Plan. The
2 Sections of the Ordinance may be renumbered or relettered to
3 accomplish such, and the word "ordinance" may be changed to
4 "section," "article," or any other appropriate word.

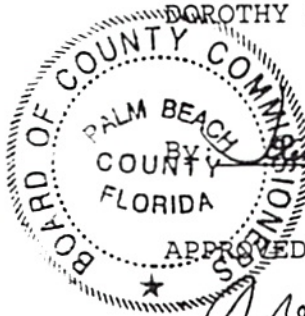
5 Part V. Effective Date

6 The effective date of this plan amendment shall be the date
7 a final order is issued by the Department of Community Affairs or
8 Administration Commission finding the amendment in compliance in
9 accordance with Section 163.3184, Florida Statutes, whichever
10 occurs earlier. No development orders, development permits, or
11 land uses dependent on this amendment may be issued or commence
12 before it has become effective. If a final order of
13 noncompliance is issued by the Administration Commission, this
14 amendment may nevertheless be made effective by adoption of a
15 resolution affirming its effective status, a copy of which
16 resolutions shall be sent to the Department of Community Affairs,
17 Bureau of Local Planning, 2555 Shumard Oak Boulevard
18 Tallahassee, Florida 32399-2100.

19 APPROVED AND ADOPTED by the Board of County Commissioners
20 of Palm Beach County, on the 27 day of August,
21 2001.

22 ATTEST:
23 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
24 BY ITS BOARD OF COUNTY
25 COMMISSIONERS



26
27
28 Deputy Clerk

By

Warren H. Newell, Chairman

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31 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

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34 COUNTY ATTORNEY

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36 Filed with the Department of State on the 6th day
37 of September, 2001.

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EXHIBIT 1

A. Transportation Element, Prosperity Farms Road Constrained Roadway at Lower Level of Service (CRALLS)

REVISIONS: To add language in Policy 1.2-f designating Prosperity Farms Road as a CRALLS facility. The added text is shown in underlined.

Policy 1.2-f: The Palm Beach County Board of County Commissioners finds the following facilities are constrained facilities and development orders shall be evaluated using the specific level of service standards identified herein instead of the Policy 1.1-b general level of service standards. *(Unchanged text omitted for brevity)*

- 18) Prosperity Farms Road from Donald Ross Road to Gardens Parkway is hereby designated as a Constrained Roadway at a Lower Level of Service (CRALLS) facility. Its level of service shall be: for Test One, 19,460 trips on a daily basis and 1,810 trips on a peak hour basis. The County shall require that all applicants seeking to utilize this CRALLS ensure the construction of appropriate portions of this segment as determined by the County Engineer as a three lane section with landscaping.

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STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 27, 2001.
DATED at West Palm Beach, FL on 9/20/01.
DOROTHY H. WILKEN, Clerk
By: Mel Brown D.C.